

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 16 November 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Single Judge

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
vs. THOMAS LUBANGA DYILO**

Public Document with Confidential Annex

**Communication of the Disclosure Note following Disclosure to the Defence of
Potentially Exculpatory Evidence pursuant to Article 67(2) of the Rome Statute
on 7 November 2006**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

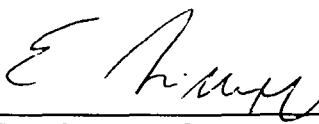
Counsel for the Defence

Mr Jean Flamme
Ms Véronique Pandanzyla

**Office of Public Counsel
for the Defence**

Ms Melinda Taylor

1. In compliance with the Decisions of the Single Judge of the Pre-Trial Chamber of 15 May 2006¹ and of 24 May 2006², and following the disclosure of potentially exculpatory evidence on 7 November 2006, the Prosecution herewith files the "Disclosure Note".³
2. The "Disclosure Note" includes the "List of disclosed materials" detailing a report that contains information falling under Article 67(2) of the Rome Statute. The report has been disclosed to the Defence on 7 November 2006.⁴ In particular, the Prosecution disclosed the report pursuant to the Decision of the Single Judge on 7 November 2006.⁵ The "Disclosure Note" is signed by both Parties.
3. In addition, the Prosecution on 7 November 2006 disclosed the fifth spreadsheet containing excerpts of a witness statement that can be considered as potentially exculpatory evidence in terms of Article 67(2) of the Rome Statute. For reasons of protection of victims and witnesses, the Prosecution has used a pseudonym.



Luis Moreno-Ocampo
Prosecutor

Dated this 16th day of November 2006
 At The Hague, The Netherlands

¹ Decision on the Final System of Disclosure and the Establishment of a Timetable, 15 May 2006.

² Decision on the Postponement of the Confirmation Hearing and the Adjustment of the Timetable Set in the Decision on the Final System of Disclosure, 24 May 2006.

³ Attached hereto as Confidential Annex.

⁴ The Prosecution refers to its oral submissions at the occasion of the status conference of 14 July 2006. See (English) transcript, at pages 46 and 47.

⁵ Reference is made to the Decision ICC-01/04-01/06-670-Conf.